

REMARKS

In the Office Action the Examiner noted that claims 1-53 are pending in the application, and the Examiner rejected all claims. By this Amendment, claims 3, 45, and 53 have been amended to correct minor grammar errors. No new matter has been presented. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

Entry of Amendment Under 37 C.F.R. §1.116

The Applicant requests entry of this Rule 116 Response because: the amendments of claims 3, 45, and 53 merely correct minor grammatical errors and should not entail any further search by the Examiner since no new features are being added and no new issues are being raised; and the amendment does not significantly alter the scope of the claim and places the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

Rejection of Claims Over Bricklin and Kamei

In items 5-19 on pages 2-9 of the Office Action the Examiner rejected claims 1-2, 7-8, 13-14, 19-20, 25-26, 31-32, 37, 39, 41, 43-44, 46-47, 49-50, and 52 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,717,939, issued to Bricklin et al. (hereinafter referred to as "Bricklin"), and further in view of U.S. Patent Application Publication No. 2001/0013865, issued to Kamei (hereinafter referred to as "Kamei").

Claim 1 of the present application recites:

An image display control unit which displays an image on a display screen, said control unit comprising:  
a screen size information obtaining section obtaining information on a display size

on the whole of said display screen;

an image information obtaining section obtaining information on vertical and horizontal sizes of said image;

an arithmetic section calculating an image magnification ratio so that at least one of said vertical and horizontal sizes of said image substantially conforms with at least one of vertical and horizontal display sizes on the whole of said display screen; and

a display control section displaying said image at the calculated magnification ratio on said display screen.

Therefore, claim 1 of the present application provides “a screen size information obtaining section for obtaining information on a display size on the whole of said display screen.” This is in direct contrast to Bricklin, which discloses using sizes of target cells of a spreadsheet program, and is totally silent about using a display size on the whole of the display screen.

The Examiner states that Bricklin discloses “a screen size information obtaining section for obtaining information on a display size on the whole of said display screen (Figure 13E where X<sub>b</sub> and Y<sub>b</sub> determine the sizes of the display screen; Figure 24 2436 is the step to determine the size of said display screen).” However, X<sub>b</sub> and Y<sub>b</sub> are not the dimensions of the display screen, but are dimensions for bounds of an entry entered graphically by a user of the spreadsheet program (Column 13, Lines 30-34). Further, X<sub>c</sub> and Y<sub>c</sub> “are the corresponding horizontal and vertical dimensions, respectively, of the display area of [the] cell” (Column 13, Lines 34-36). Element 2436 of Figure 24, which the Examiner cited as “the step to determine the size of said display screen,” actually reads “Determine bounds of target cell,” which is inherently smaller than the size of the display screen. Therefore, the Applicant respectfully submits that Bricklin does not disclose “a screen size obtaining section for obtaining information on a display size on the whole of said display screen,” as cited by the Examiner.

After stating that Bricklin comprises “a screen size information obtaining section for obtaining information on a display size on the whole of said display screen,” the Examiner goes on to state that “Bricklin does not explicitly disclose to obtain the whole screen size, however, this is known in the art as taught by Kamei.” The Examiner then states that “Kamei discloses an image display system in which the display screen size is obtained (‘on the display screen in a predetermined size, wherein....said control step reduces the interface in scale’, page 6, claim 12).”

However, claim 12 of Kamei, as cited by the Examiner, does not disclose “a screen size information obtaining section for obtaining information on a display size on the whole of said display screen.” Rather, the claim recites “displaying an interface for selectively operating the one or more cameras, on the display screen in a predetermined size, wherein if the empty area

found by said searching step does not satisfy a predetermined condition, said control step reduces the interface in scale and causes the interface to be displayed on the display screen on a reduced scale." The claim does not disclose "obtaining information of a display size on the whole of said display screen." Rather, the claim discloses resizing the interface in order to fit it in an empty area of the display screen, i.e., an area without a display image.

Kamei discloses a method of controlling a plurality of cameras through a display that is displaying one or more images captured by the cameras (Paragraphs [0047] through [0052]). The operating interface is displayed on the display along with the one or more images so as to interfere with as few of the displayed images as possible (Paragraph [0052]). Therefore, when the number of displayed images becomes large, a CPU determines the area of the display that is not displaying the captured images, and moves the operating interface accordingly to the "empty area" (Paragraphs [0062] through [0068]). If the empty area is not large enough to accommodate the operating interface, the method disclosed in Kamei "reduces the interface in scale and causes the interface to be displayed on the display screen on a reduced scale," as recited in claim 12.

Therefore, neither Bricklin nor Kamei, either taken alone or together, disclose "a screen size information obtaining section for obtaining information on a display size on the whole of said display screen," as recited in claim 1 of the present application.

Further, even if the combination of Bricklin and Kamei did disclose the features of claim 1 of the present application, and the Applicant respectfully submits that they do not, there is no motivation to combine the two references. Bricklin "provides a method for determining the target cell for written information and for scaling the information to fit within the boundaries of the target cell" (Abstract). The "cell" referred to is part of a "spreadsheet" program, in which "words and numbers are arranged in a two dimensional grid of "cells" arranged in horizontal rows and vertical columns" (Column 1, Line 65 through Column 2, Line 2). Thus several cells will be displayed on the screen at the same time. There is no motivation to obtain the screen size information on the whole of the display screen, because the purpose of spreadsheet applications is to be able to manipulate and view data in a two-dimensional array, and the Applicant respectfully asserts that there would be little merit in displaying the contents of a single cell of a spreadsheet application on the entirety of the display screen. As a matter of fact, as Bricklin discloses sizing information displayed in a single cell of a spreadsheet, Bricklin actually teaches away from any need to obtain screen size information for the whole of the display screen. Likewise, Kamei reduces the operational interface in scale to fit in an empty area of the display

screen that is not displaying images captured by cameras, which is intrinsically less than the whole of the display screen.

MPEP § 2142 states that "[w]hen the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the Examiner to explain why the combination of the teachings is proper." Here, the Examiner has simply stated, with no evidence to support the assertion, that "it would have been obvious....to incorporate the teaching of Kamei into Bricklin because Bricklin discloses an image display control unit to display a scaled image and Kamei discloses a display screen is obtained (sic) in order to determine the scale of the image." As stated above, the whole of the display screen would not be of value in the scaling of information in a cell of a spreadsheet. The Examiner is required to present actual evidence and make particular findings related to the motivation to combine the teachings of the references. In re Kotzab, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000); In re Dembiczak, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence." Dembiczak, 50 USPQ2d at 1617. "The factual inquiry whether to combine the references must be thorough and searching." In re Lee, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002) (citing McGinley v. Franklin Sports, Inc., 60 USPQ2d 1001, 1008 (Fed. Cir. 2001)). The factual inquiry must be based on objective evidence of record, and cannot be based on subjective belief and unknown authority. Id. at 1433-34. The Examiner must explain the reasons that one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious. In re Rouffet, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998).

Therefore, the Applicant respectfully submits that claim 1 patentably distinguishes over the cited references, and respectfully requests the withdrawal of the §103(a) rejection.

Claims 2, 7-8, 13-14, 19-20, 25-26, 31-32, 37, 39, and 41 depend from claim 1 and include all of the features of that claim plus additional features which are not taught or suggested by the cited references. Therefore, it is respectfully submitted that claims 2, 7-8, 13-14, 19-20, 25-26, 31-32, 37, 39, and 41 also patentably distinguish over the cited references.

Independent claims 43, 46, 49, and 52 also feature "obtaining information on a display size on the whole of said display screen." Also, claims 44, 47, and 50 respectively depend from independent claims 43, 46, and 49, and include all of the features of those claims plus additional features which are not taught or suggested by the cited references. Therefore, it is respectfully submitted that claims 43-44, 46-47, 49-50, and 52 also patentably distinguish over the cited references.

Rejection of Claims Over Bricklin and Serizawa

In items 20-30 on pages 10-14 of the Office Action the Examiner rejected claims 3-4, 9-10, 15-16, 21-22, 27-28, 33-34, 38, 40, 42, 45, 48, 51, and 53 under 35 U.S.C. §103(a) as being unpatentable over Bricklin, and further in view of U.S. Patent No. 5,809,183, issued to Serizawa et al. (hereinafter referred to as "Serizawa").

Claim 3 of the present application recites:

An image display control unit which displays an image on a display screen, said control unit comprising:

a character size detecting section obtaining a character size used most frequently in said image;

an arithmetic section calculating a magnification ratio of said image on the basis of the character size so that said character in said image is displayed at a predetermined size on said display screen; and

a display control section displaying said image at the calculated magnification ratio on said display screen.

Therefore, claim 3 of the present application provides "a character size detecting section obtaining a character size used most frequently in said image," and a magnification ratio of the image is calculated "on the basis of the character size so that said character in said image is displayed at a predetermined size on said display screen." This is in direct contrast to Bricklin, which discloses determining the bounds of a graphically entered entry by determining "the 'bounds' of each stroke of an entry," and is totally silent about either obtaining a character size used most frequently in the image or calculating a magnification ratio based on the most frequently used character size.

The Examiner states that Bricklin discloses "a character size detecting section obtaining a character size used most frequently in said image (Figure 13B and Figure 24 2425 determine the sizes of a character of said image)." However, Figure 13B of Bricklin shows the dimensions of each character of the entry entered graphically by the user of the spreadsheet program, and "[f]rom the bounds of each stroke of the entry, the bounds of the entire entry are determined (Column 12, Lines 49-51). This comports with element 2425 of Figure 24, which reads, "Determine bounds of entry." Therefore, the Applicant respectfully submits that Bricklin does not disclose "a character size detecting section obtaining a character size used most frequently in said image."

The Examiner also states that Bricklin discloses "an arithmetic section calculating magnification ration of said image on the basis of the character size so that said character in

said image is displayed at a predetermined size on said display screen (Figure 24 2438 calculates the magnification ratio and X<sub>b</sub> and Y<sub>b</sub> are the predetermined sizes)." However, Figure 24 clearly indicates that the bounds of the entire entry are determined (2425) and then the magnification scale of the entire entry is then determined on the basis of the bounds of a target cell (2436 and 2438). Moreover, X<sub>b</sub> and Y<sub>b</sub> are not predetermined sizes, but rather are the actual dimensions of the graphic entry before scaling (Figures 13A-13E). In other words, Bricklin discloses measuring all of the characters of the graphic entry in order to determine the bounds of the entire entry, and then scales the entry down so that it will fit into the target cell. The scaling in Bricklin has nothing to do with any individual character size, but only with the outer bounds of the entire entry. Therefore, the Applicant respectfully submits that Bricklin does not disclose "calculating a magnification ratio of said image on the basis of the character size so that said character in said image is displayed at a predetermined size on said display screen."

After stating that Bricklin comprises "a character size detecting section obtaining a character size used most frequently in said image," the Examiner goes on to state that "Bricklin does not explicitly disclose scaling depending on the most frequently used characters, however, this is known in the art as taught by Serizawa." The Examiner states that "Serizawa discloses a method of magnification based on the most frequently used character size (column 8, lines 40-47)." However, Serizawa does not cure the deficiency of Bricklin regarding "calculating a magnification ratio of said image on the basis of the character size so that said character in said image is displayed at a predetermined size on said display screen."

Serizawa discloses "a method and apparatus for optically reading an image of a document or other printed material and recognizing characters included in it" (Column 1, Lines 10-12). When scanning in an image from a paper document, a character region is determined so that character recognition can take place regarding the character region. An initial magnification is performed based on the size of the characters, which can be the character size that appears most frequently, in order to be able to recognize the characters (Column 8, Lines 31-47). However, the character region is then repeatedly magnified if the initial magnification is not sufficient for the character recognition process, until the character recognition is either performed successfully or abandoned (Column 8, Line 48 through Column 9, Line 9). In other words, the most frequently appearing character size is merely used for a starting point magnification, and the magnification may be modified in order to recognize all of the characters.

Further, Serizawa does not cure the deficiency of Bricklin regarding "calculating a magnification ratio of said image on the basis of the character size so that said character in said

image is displayed at a predetermined size on said display screen." Even if Serizawa provided the feature of obtaining a character size used most frequently in an image, this would have no bearing on the scaling performed in Bricklin, as Bricklin is only concerned with fitting the entire entry within the bounds of the target cell.

Therefore, neither Bricklin nor Serizawa, either taken alone or together, disclose "a character size detecting section obtaining a character size used most frequently in said image", and "calculating a magnification ratio of said image on the basis of the character size so that said character in said image is displayed at a predetermined size on said display screen," as recited in claim 3 of the present application.

Further, even if the combination of Bricklin and Serizawa did disclose the features of claim 3 of the present application, and the Applicant respectfully submits that they do not, there is no motivation to combine the two references. As previously stated, Bricklin discloses scaling a graphic entry according to the boundaries of the entire entry, so that it may fit into a target cell of a spreadsheet. Obtaining a magnification ratio based on the most frequently appearing character in a character region, as in Serizawa, would apparently be without merit when combined with Bricklin.

Therefore, the Applicant respectfully submits that claim 3 patentably distinguishes over the cited references, and respectfully requests the withdrawal of the §103(a) rejection.

Claims 4, 9-10, 15-16, 21-22, 27-28, 33-34, 38, 40, and 42 depend from claim 3 and include all of the features of that claim plus additional features which are not taught or suggested by the cited references. Therefore, it is respectfully submitted that claims 4, 9-10, 15-16, 21-22, 27-28, 33-34, 38, 40, and 42 also patentably distinguish over the cited references.

Independent claims 45, 48, 51, and 53 also feature "obtaining a character size used most frequently in said image" and "calculating a magnification ratio of said image on the basis of the detected character size." Therefore, it is respectfully submitted that claims 43-44, 46-47, and 49-50 also patentably distinguish over the cited references.

#### Rejection of Claims Over Bricklin, Serizawa and Chandavakar

In items 31-36 on pages 14-17 the Examiner rejected claims 5, 11, 17, 23, 29, and 35 under 35 U.S.C. § 103(a) as being unpatentable over Bricklin and Serizawa as applied to claim 3 above, and further in view of U.S. Patent No. 5,793,350, issued to Chandavakar et al (hereinafter referred to as "Chandavakar").

As discussed above, claim 3 of the present invention is patentably distinguishable over Bricklin and Serizawa. Claims 5, 11, 17, 23, 29, and 35 depend from claim 3 and include all of the features of that claim plus additional features which are not taught or suggested by the cited references. According to the Examiner, Chandavakar "discloses a method of scaling a selected image in which the height of the image is expressed in pixels." This does not cure the deficiency of Bricklin and Serizawa regarding these claims. Therefore, the Applicant respectfully submits that claims 5, 11, 17, 23, 29, and 35 patentably distinguish over the cited references.

Rejection of Claims Over Bricklin, Serizawa and Chandavakar

In items 37-42 on pages 17-20 the Examiner rejected claims 6, 12, 18, 24, 30, and 36 under 35 U.S.C. § 103(a) as being unpatentable over Bricklin and Serizawa as applied to claim 3 above, and further in view of U.S. Patent No. 6,388,638, issued to Fukushima et al. (hereinafter referred to as "Fukushima").

As discussed above, claim 3 of the present invention is patentably distinguishable over Bricklin and Serizawa. Claims 6, 12, 18, 24, 30 and 36 depend from claim 3 and include all of the features of that claim plus additional features which are not taught or suggested by the cited references. According to the Examiner, Fukushima "discloses a method of displaying magnified image in which the magnification factor is determined by its field angle." This does not cure the deficiency of Bricklin and Serizawa regarding these claims. Therefore, the Applicant respectfully submits that claims 6, 12, 18, 24, 30 and 36 patentably distinguish over the cited references.

Summary

In accordance with the foregoing, claims 3, 45, and 53 have been amended. No new matter has been presented. Claims 1-53 are pending and under consideration.

It is respectfully submitted that none of the cited references, either taken alone or in combination, disclose the present claimed invention. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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